

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MY SPACE PRESCHOOL AND  
NURSERY, INC.

v.

CAPITOL INDEMNITY  
CORPORATION, ET AL.

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CIVIL ACTION

NO. 14-2826

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of March, 2015, upon consideration of Defendant Capitol Indemnity Corporation's Motion to Dismiss the Complaint (ECF No. 2), and Defendant Morgan and Associates, Inc.'s Motion to Dismiss Complaint (ECF No. 6), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Capitol's Motion is **GRANTED** in part and **DENIED** in part. Count I (breach of contract), Count II (violation of the UTPCPL), Count IV (negligent misrepresentation), and Count V (breach of fiduciary duty), are **DISMISSED** against Capitol. The Motion is denied in all other respects.
2. Morgan's Motion is **GRANTED** in part and **DENIED** in part. Count II (violation of the UTPCPL) is **DISMISSED**. Morgan's Motion as to Count IV (negligence) and Count V (breach of fiduciary duty) is **DENIED**.

3. Morgan's Motion to Strike is **GRANTED** in part and **DENIED** in part.
- Morgan's request to strike punitive damages is **DENIED** as moot. Morgan's request to strike attorney's fees is **GRANTED**. Morgan's request to strike incidental damages is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'R. Surrick', is written over a horizontal line.

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**R. BARCLAY SURRICK, J.**